

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION



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NICHOLLE NOELDNER,

Plaintiff,

-VS-

CITY OF WATERTOWN, JOANNE VITEK,  
Personally and as Police Chief for the City  
of Watertown Police Department,

Defendants.

CIV 07-1001

ORDER AND OPINION

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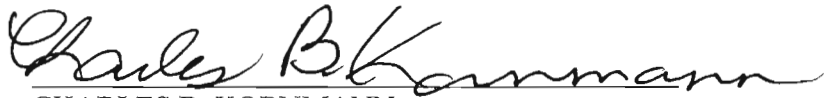
A motion for summary judgment (Doc. 44) has been filed with all necessary supporting documents. The plaintiff has just of recent date obtained an attorney. The attorney for the defendants has advised the court that this case has been settled. The motion for summary judgment will serve no purpose since the action will ultimately be dismissed on the merits, with prejudice, and without the taxation of costs. The motion should therefore be denied without prejudice.

NOW, THEREFORE,

IT IS ORDERED that the motion for summary judgment (Doc. 44) is denied without prejudice.

Dated this 9th day of April, 2008.

BY THE COURT:

  
CHARLES B. KORNMANN  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

DEPUTY

(SEAL)